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EXAMINER	
PILKINGTON, JAMES	

ART UNIT	PAPER NUMBER
3682	

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/734,214	SOLTA, ROSTISLAV	
	Examiner	Art Unit	
	James Pilkington	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, and 3, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Byram et al, USP 5,295,409.

Re clm. 1, Byram et al discloses an accelerator pedal module (10) comprising a:

- Bearing block (65)
- Pedal lever (14) retained rotatably about a pivot axis (Fig. 1) on the bearing block (65)
- Rotation sensor (34, col. 3 lines 7-10) having a sensor shaft (12) actuated by the pedal lever (14), the sensor shaft being coaxial with the pivot axis (Fig. 1)
- Part of the sensor shaft (12) being directly supported rotatably in a bearing bore (18) of a bearing region that is integral with the bearing block (65), of which bearing region (which is cylindrical) at least a part of the radially outer circumferential surface forms at least one bearing face (18, 28) for the pedal lever (14) and wherein the bearing block (65) is embodied as a one-piece, molded part.

Re clm. 2, Byram et al disclose the bearing region being formed by a hollow peg (18) of the being block (65), the hollow peg being coaxial with the pivot axis.

Re clm. 3, Byram et al disclose a plurality of partly cylindrical bearing faces (84, col 5 lines 60-61, Figs. 1 and 2) of different diameter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 4 and 5, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Byram et al in view of White et al, USP 5,385,068.

Re clm 4, Byram et al disclose all of the claimed subject matter as described above.

Byram et al do not disclose complementary bearing faces of the pedal lever that are coaxial with the pivot axis and partly cylindrical.

White et al teach the use of a pedal lever (34) with partly cylindrical bearing faces (35, 36) that are associated with bearing faces on member (13) and is coaxial with the pivot axis (Fig. 1) for the purpose of linking the movement of the pedal to the rotational sensor shaft (14) (col 3 lines 55-60).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Byram et al and provide partly cylindrical bearing faces to the pedal lever to allow for a direct link between the pedal lever and the pivot axis for the purpose of linking the movement of the pedal to the rotational sensor, as taught by White et al.

Re clm. 5, Byram et al disclose all of the claimed subject matter as described above.

Byram et al disclose the use of a restoring spring system (32) to restore the pedal lever (14) to an idling position.

5. Claims 6-12, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Byram et al in view of White et al, USP 5,385,068 and further in view of Papenhagen et al, USP 5,805,376.

Re clm 6, Byram et al disclose all of the claimed subject matter as described above.

Byram et al do not disclose two cheeks that are integral with the bearing block.

Papenhagen et al teach the use of cheeks (15) for the purpose of providing a location to firmly retain the pedal without any play (col. 3 lines 4-5).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Byram et al and provide a set of cheeks to provide a firm retaining area for the pedals to remove play from the system, as taught by Papenhagen et al.

Re clm 7, Byram et al disclose all of the claimed subject matter as described above.

Byram et al do not disclose the sensor shaft being rotationally coupled directly to the pedal lever by means of at least one driver protruding radially through a wall of the hollow peg.

Papenhagen et al teach the use of a driver (19) which is rotationally coupled directly to the pedal lever (3) for the purpose of coupling the sensor shaft to the pedal (Fig. 2) (col 3 lines 41-53).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Byram et al and provide a driver as a method of directly coupling the sensor shaft and the pedal, as taught by Papenhagen et al.

Re clm. 8, Byram et al also disclose one end of the sensor shaft (12) being rotatably supported in the bearing bore (18) and the other end of the sensor shaft (12) is rotatably supported in a sensor housing (88) that is fixed on bearing block (85).

Re clm. 9, Byram et al disclose all of the claimed subject matter as described above.

Byram et al do not disclose the driver being embodied integrally with either the pedal lever or the sensor shaft.

Papenhagen et al disclose the driver (19) being embodied integrally with the pedal lever (3) (Fig 2) for the purpose of directly coupling the pedal to the rotating sensor shaft (26).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Byram et al and have the driver embodied integrally with the pedal lever to directly couple the pedal to the rotating sensor shaft, as taught by Papenhagen.

Re clm 10, Byram et al disclose all of the claimed subject matter as described above.

Byram et al do not disclose that the hollow peg of the bearing block comprises a slot, open toward the sensor housing for the lateral introduction of the driver.

Papenhagen et al, disclose the driver (19) traveling through a hollow peg (17) at slot location (18) before connecting to the sensor shaft (26) at slot (27)(Figs. 1 and 3) for the purpose of directly coupling the pedal to the sensor shaft.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Byram et al and provide a driver that travels through the hollow peg at slot locations to directly couple the pedal to the sensor shaft, as taught by Papenhagen et al.

Re clms. 11 and 12, Byram et al disclose all of the claimed subject matter as described above.

Byram et al do not disclose the use of a driving pin, embraced with prestressing, in a recess (clm 11) wherein the recess is formed by a blind bore, whose cross section is slightly smaller than the cross section of the driver pin and at least one side of the blind bore elastically deforms upon the introduction of the driver pin (clm 12).

Papenhagen et al teach the use of a driver pin (19) that is embraced with prestressing in the recess (26), said driver pin (19) having an end which is wider then the cross section of the blind bore (26) on the rotating shaft. The wider cross section is used for the purpose of firmly mounting the pedal (3) to the sensor shaft (26) (col 3 lines 50-53).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Byram et al and provide a driver pin, that is embraced with prestressing, and a wider cross section then the blind bore to firmly mount the pedal to the sensor shaft, as taught by Papenhagen et al.

Response to Arguments

6. Applicant's arguments filed May 10, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *the components* of the bearing block are integral, one-piece) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In particular, Lundburg, USP 4,958,607 (cited in Form-892 with

the First Action), shows that components of the bearing block (14) are embodied as one-piece with the bearing block (Figure 4).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Pilkington whose telephone number is (571) 272-5052. The examiner can normally be reached on Monday-Friday 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP

James Pilkington
05-19-2006

RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER